

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In Re:

CASE NO: 11-81005

Nathan Edward Keith
Rosalyn Evette Keith

Chapter 13

Debtors

MOTION FOR RELIEF FROM AUTOMATIC STAY OR
FOR ADEQUATE PROTECTION

North State Acceptance, (hereinafter "Movant"), a duly scheduled creditor, by and through its undersigned attorney, hereby moves the Court for an Order, pursuant to 11 U.S.C. § 362(d) modifying or lifting the automatic stay now in effect in the above-captioned matter and in support of that motion says and avers:

1. That the above-captioned matter is pending in the Middle District of North Carolina, Durham Division, and Richard M. Hutson, II has been appointed as Trustee.

2. That the Movant is a duly scheduled creditor.

3. That for valuable consideration, the Debtors executed a Note in the principal amount of Ten Thousand Eight Hundred Ten and 68/100 Dollars (\$10,810.68), (hereinafter the "Note"). A photocopy of the Note is attached hereto as Exhibit "A" and incorporated by reference as if completely set forth herein. That there is due and owing on the Note the sum of Seven Thousand Four Hundred Seventeen and 18/100 Dollars (\$7,417.18) as of the date of the filing of the Petition. That as security for the Note, the Movant was granted a purchase money security interest in a 2002 Chevrolet Avalanche K1500 bearing VIN 3GNEK13T12G142293, perfected by recordation of a Certificate of Title. A photocopy of the Certificate of Title is attached hereto as Exhibit "B" and incorporated by reference as if completely set forth herein. The estimated retail fair market value of the collateral is Nine Thousand Nine Hundred Sixty-Seven and 50/100 Dollars (\$9,967.50).

4. That the Movant has received notification that the insurance coverage on their collateral was canceled as of June 30, 2011, and the Debtors have failed to provide proof of insurance after the Movant requested said proof.

5. That the Movant does not have adequate protection and the automatic stay should be modified or lifted so that the Movant may proceed against its security pursuant to applicable law and its security agreements.

6. That the Movant should be allowed the costs of this Motion and attorneys' fees pursuant to the terms of the Note and 11 U.S.C. §506(b).

WHEREFORE, the Movant prays to the Court:

1. That the automatic stay be modified or lifted so that the Movant may proceed against its security pursuant to applicable state law and its security agreement.

2. That the Movant be granted a Turnover Order for immediate possession of its personal property collateral, without necessity of further state or federal court orders.

3. That the Debtors be taxed with the costs of this Motion and the Movant's attorneys' fees.

4. That if relief from the automatic stay is not granted, it receive adequate protection.

This the 4th day of August, 2011.

s/ William F. Hill

William F. Hill

Attorney For Movant

Post Office Box 2517

Greenville, North Carolina 27836

Telephone: (252) 355-4277

Facsimile: (252) 355-2797

NC State Bar Number: 10929

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CERTIFICATE OF SERVICE

The undersigned, of P.O. Box 2517, Greenville, North Carolina 27836, certifies:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on this date I served copies of the foregoing MOTION and NOTICE OF OPPORTUNITY FOR HEARING on the following parties by first class mail at their last known address:

John T. Orcutt
Attorney for Debtors
6616-203 Six Forks Road
Raleigh, North Carolina 27615

Richard M. Hutson, II
Chapter 13 Trustee
300 W. Morgan St., Suite 425
Post Office Box 3613
Durham, NC 27702

Nathan Edward Keith
19 Meadowcrest Drive
Durham, NC 27703

Rosalyn Evette Keith
19 Meadowcrest Drive
Durham, NC 27703

I certify under penalty of perjury that the foregoing is true and correct.

This the 4th day of August, 2011.

s/ William F. Hill
William F. Hill
Attorney For Movant
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Greenville, North Carolina 27836
Telephone: (252) 355-4277
Facsimile: (252) 355-2797
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